

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 1A-1E, 2A, 8A-8F, 9A-9G, and 10A-10C. These sheets, which include Fig. 1A-1E, 2A, 8A-8F, 9A-9G, and 10A-10C, replace the original sheets including Fig. 1A-1E, 2A, 8A-8F, 9A-9G, and 10A-10C.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3, 7, 9, 13-14 are presently active in this case, Claims 1, 7 and 9 having been amended, Claims 2, 4-6, 8 and 10-12 canceled, and Claims 13 and 14 added by the present amendment.

In the outstanding Official Action, the drawings were objected to on the basis that Figs. 1A-1E, 2A, 8A-8F, 9A-9G, and 10A-10C require the legend --Prior Art--; Claims 1-12 were objected to because of informalities; Claims 2-3, 5-6, 8-9, and 11-12 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite; Claims 1-12 were rejected under 35 U.S.C. §102(b) as being anticipated by Kondo et al. (US Publication 2002/0172139 A1, hereinafter "Kondo"); Claims 1 and 7 were rejected under 35 U.S.C. §102(b) as being anticipated by Cradic et al. (US 6,436,503 B1); and Claims 2-3 and 8-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cradic et al. (US 6,436,503 B1, hereinafter "Cradic") as applied to Claim 1 and Claim 7, above, further in view of Kashihara et al. (US 6,339,574 B1, hereinafter "Kashihara").

In response to the objection to the drawings, Figs. 1A-1E, 2A, 8A-8F, 9A-9G, and 10A-10C have been amended to include the legend --Prior Art--. Replacement drawings are submitted herewith. Accordingly, this ground for objection is believed to have been overcome.

In response to the objections to the claims, the claims have been amended to address each of the informalities noted and accordingly, the objections are believed to have been overcome.

Similarly, in response to the rejection under 35 U.S.C. §112, second paragraph, the claims have been amended to correct the inconsistencies noted in the outstanding ground for rejection. Accordingly, this ground for rejection is believed to have been overcome.

Also submitted herewith are new Claims drafted to define a varied patent scope. The newly submitted claims are believed to find support in the specification, drawings and claims as originally filed. For example, the features of having a thickness of 0.6 mm, a track pitch of 0.40 (0.34) μm , and a minimum mark length of 0.204 (0.187) μm are supported in FIGS. 16 and 25 and page 51, lines 17-23. No new matter has been added.

Applicants respectfully traverse the several grounds for rejection under prior art grounds, because in Applicants' view, the cited references fail to anticipate or render obvious the claimed subject matter.

In particular, neither Kondo nor Cradic include disclosure regarding a permissible value of birefringence from which a predetermined reproduction output is obtained when a PRML signal processing is used to reproduce information. Further, neither Kondo nor Cradic include disclosure regarding a disk having a thickness of 0.6 mm, a track pitch of 0.40 (0.34) μm , and a minimum mark length of 0.204 (0.187) μm . These deficiencies are not believed to be remedied by Kashihara. Accordingly, the several prior art grounds for rejection are traversed, and withdrawal thereof is respectfully requested.

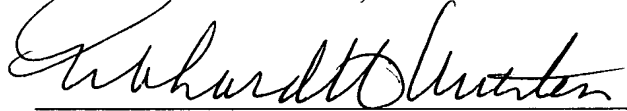
Consequently, in view of the present amendment and in light of the above comments, no further issues are believed to be outstanding, and the present application is believed to be

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in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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